



PLANNING COMMISSION STAFF REPORT AUGUST 23, 2012

Project:	CAMDEN VILLAGE APARTMENTS CONDOMINIUM CONVERSION (PLN2011-00176)
Proposal:	To consider a Conditional Use Permit and Vesting Tentative Tract Map 8077 to allow the conversion of an existing 192-unit apartment development from rental to for-sale condominiums.
Recommendation:	Approve, based on findings and subject to conditions.
Location:	38000 Camden Street in the Centerville Community Plan Area. APN: 501-1506-040-10 (See aerial photo next page)
Building Areas:	Residential buildings and accessory structures of 172,739 square feet; and Commercial buildings of 7,095 square feet.
Site Area:	10.92-acre lot
People:	KMF Camden, LLC, Applicant Mark M. Mullen, Agent of Applicant Shira Bicknell, CB Richard Ellis, Project Manager Pete McMarrow, Civil Engineering Associates, Civil Engineer KMF Camden, LLC, Property Owner Clifford Nguyen, Staff Planner (510) 494-4769; cnguyen@fremont.gov
Environmental Review:	This project is exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301(k), Existing Facilities.
General Plan:	Medium Density Residential, 14.6-29.9 units per acre (89.4 percent of site) General Commercial (10.6 percent of site)
Zoning:	P-63-2, Residential and Commercial Planned District PUD-64-5 and PUD-67-5, Planned Unit Development

EXECUTIVE SUMMARY

The applicant and owner of “Camden Village Apartments” requests approval of a condominium conversion for the 192-unit Camden Village Apartments and associated neighborhood commercial complex. The application was filed during the March 1 through March 15 annual filing period of 2011 for the 2012 calendar year of conversions. This is the City’s only pending conversion request. The applicant has prepared a complete application for a Conditional Use Permit and a subdivision map (Vesting Tentative Map 8077) for condominium purposes. Staff recommends approval of the proposed Conditional Use Permit and Vesting Tentative Map, based on findings and subject to conditions.



Figure 1: Aerial Photo (2009) of Project Site and Surrounding Area.



SURROUNDING LAND USES

North and East: Single-family residences, P-63-2 (PUD-67-5); zoned Planned District (Planned Unit Development)

South and West: Camden Street (a residential collector street) and single-family residences; zoned P-63-2 (PUD-64-5), Planned District (Planned Unit Development)

BACKGROUND AND PREVIOUS ACTIONS

Background: The Planning Commission held a public hearing on April 12, 2012, to consider the proposed Conditional Use Permit and Vesting Tentative Tract Map 8077 (VTTM 8077) to allow the conversion of an existing 192-unit apartment development from rental to for-sale condominiums. After receiving public testimony and discussing the proposed project, the Commission continued the matter to a date uncertain and requested that the applicant and owners of the Camden Village Apartments: 1) conduct additional outreach with apartment residents; and, 2) provide additional information about their request. Staff recommends approval of the proposed Conditional Use Permit and VTTM 8077, based on the analysis and recommended findings and conditions, as amended, set forth below.

The City's Condominium Conversion Ordinance was updated in 2007 to specifically evaluate projects that include conversion of rental housing to ownership housing (condominiums). By their inherent nature, conversions of existing apartments to condominiums specifically differ from approving new condominium developments. The Condominium Conversion Ordinance ensures that proposed conversions support the City's policy to encourage home ownership, meet certain physical and visual standards, and do not compromise public health, safety and welfare.

Previous Actions: The following previous actions listed below pertain to the project site.

1. In June 1964, the City Council approved Planned District P-63-2 to allow a mix of residential uses and a small service-oriented neighborhood center. The project site was included in the overall 51-acre Planned District. The approval of P-63-2 included several development principles and standards which were amended over time to allow development of the area with a mix of detached- and semi-detached single-family homes, multi-family homes, and a neighborhood commercial center. Precise development plans of each development phase in P-63-2 were submitted to the City for site plan and architectural approval (processed as planned unit developments).
2. Based on a review of City building records, construction of the buildings on the project site occurred in 1966. Since the initial construction of the buildings, which appear to have occurred in at least two phases, there are no records of any recent land use entitlement approvals associated with the site.

Site: The project site is located within an established residential area in the Centerville neighborhood of the Centerville Community Plan Area. The surrounding neighborhood consists of traditional detached and semi-attached townhomes. The site is developed with a total of seventeen residential multi-family structures, one clubhouse structure, and three commercial retail structures that provide neighborhood-oriented services (a barber shop, daycare, beauty salon, laundry mat, and convenience store). Building coverage is approximately 118,000 square feet or 24 percent of the site. Most residential buildings are two stories in height (one building is one story and another within the center of the development is three-stories). More than 50 percent of the site features open space and landscaped areas. This includes a 1.5-acre park with barbecue, play equipment, dog run and passive use turf areas. Additional amenities include two swimming pools, a clubhouse and a gazebo. Considerable major capital improvements totaling close to \$1.2 million were recently completed by the applicant which, to name a few, included replacing all doors and windows of units, exterior painting, plumbing retrofits, and new pool decking.

APRIL 12, 2012 PLANNING COMMISSION HEARING

On April 12, 2012, the Planning Commission held a public hearing to consider the proposed project. After Planning staff presented the staff report and recommendation, the public hearing was opened and the applicant/property owner and members of the public were given an opportunity to address the Commission. Several of the existing residents of the Camden Village Apartments expressed concern with the proposed conversion of the apartments to for-sale condominiums because they potentially would be displaced. They were also concerned with the manner in which they were notified by the property owner and found the content of information they had received confusing. At the close of the public hearing, the Commission discussed the project and voted to continue the matter to a date uncertain to allow the applicant time to conduct additional outreach with the existing apartment residents and provide more information regarding their proposal and current apartment operation, which included:

- Current tenancy, including percentage of seniors that are residents;
- Average apartment unit sizes and bedroom counts;
- Current apartment leasing rates and terms;
- Estimated cost to purchase a unit at time of sale (assumes conversion is approved) as compared to cost of lease terms; and
- Details on anticipated improvements proposed for the existing commercial center.

The approved minutes from the April 12, 2012 Planning Commission meeting are included as an enclosure to this staff report (refer to Informational Item 5).

The applicant has held two outreach meetings with current tenants (May 3 and June 2, 2012) and has prepared a detailed presentation to respond to the Commission's questions (refer to Informational Item 6). The presentation provides a breakdown of current leasing rates, terms, number of senior residents, unit count and sizes, and anticipated improvements to the commercial center, among other information. The applicant will present this information at the hearing as requested by the Commission.

PROCEDURE FOR TONIGHT'S HEARING

At tonight's hearing, the Planning Commission is charged with completing two primary tasks as set forth below. The previous staff report has been modified to add an additional recommendation approving Tentative Map 8077 and to clarify certain conditions in Exhibit C, as shown in underlined text. Since the scope of the project remains unchanged, additional project analysis has not been prepared. The primary tasks for the Planning Commission are as follows:

1. Consider request for approval of a Conditional Use Permit (PLN2011-00176), based on findings specified in Section 8-22135(h) of the Fremont Municipal Code (FMC) in the Condominium Conversion Ordinance to allow conversion of the project site's 192 residential units into a condominium form of ownership. The proposed project includes a request of a site improvement waiver (FMC Section 8-22135 (d)(4)) for installation of individual water meters. The proposed conversion plan includes an annual allocation request of 100 units from the 2012 allocation and borrowing 92 units from future years of City allocations to comply with annual limitations on conversions (Section 8-22135 (g)).
2. Consider request for approval of Vesting Tentative Tract Map 8077 (VTTM 8077), based on findings specified in Section 8-1418 to allow subdivision of the 10.92-acre site into two lots, one that would contain the existing neighborhood commercial center and the other for the 192 condominium units.

PROJECT DESCRIPTION

The project is a Conditional Use Permit and Vesting Tentative Tract Map 8077 (VTTM 8077) to allow conversion of an existing 192-unit residential apartment development, Camden Village Apartments, to an individual condominium ownership and create a separate parcel for the existing neighborhood commercial center. Key components of the project include:

- a. Conversion of 192 existing residential units into a condominium form of ownership within the boundaries of proposed Lot 1, of VTTM 8077. The 192 residential units range from 420 square feet to 1,300 square feet (e.g., from a studio, one-bath, to a three-bedroom, 2.5 baths). Exhibit “A” includes typical floor plans of each unit, including data of all buildings and their respective unit count. Specifically, the Conditional Use Permit applies to the buildings denoted on Exhibit “A” within the boundaries of Lot 1 (Buildings B1-B21 on Lot 1, excluding Buildings B16, B17 and B18 on Lot 2).
- b. A Vesting Tentative Tract Map is proposed to allow subdivision of the site into two lots, as follows:

Lot 1 (Residential Condominium Lot): Lot 1 would contain all 192 residential units, common buildings and areas, appurtenances, improvements, and utilities within its lot boundaries. Certain reciprocal joint pedestrian and vehicular access easements would be provided for the benefit of Lot 2 (Commercial Lot).

Lot 2 (Commercial Lot): Lot 2, a fee-simple lot, would contain all existing commercial buildings, improvements, and utilities within its boundaries. No commercial condominium form of ownership is permitted. Certain reciprocal joint pedestrian and vehicular access easements would be provided for the benefit of Lot 1 (Residential Condominium Lot). Additionally, by separate instrument, a shared parking agreement recorded on Lot 2 would provide parking for residential guests and benefit of Lot 1.
- c. To comply with the Condominium Conversion Ordinance, the applicant would complete certain improvements to enhance aesthetics, and meet current public health and safety standards which include:
 - Installation of fire alarms;
 - Installation of separate laundry facilities for each unit;
 - Construction of new trash enclosures;
 - Upgrading electrical system for all structures;
 - Exterior common area enhancements and repairs (e.g., replacing damaged paved areas, enhancing landscape and open space and upgrading utilities for common areas).
 - Repair and/or replace substandard or damaged off-site public right-of-way improvements, including sidewalk, curb, gutter, landscape and street trees.
- d. Waiver request to allow an exception to the requirement of individual water meters for the 192 condominium units.
- e. Single phase of conversion with allocation of 100 units from calendar year 2012 and borrowing up to 20 units per year from the City’s allocation for five future calendar years (i.e., to allow approval of the entire conversion if certain improvements are completed prior to Final Map approval).
- f. Affordable housing plan to provide on-site affordable units.

PROJECT ANALYSIS

General Plan Conformance: The existing General Plan land use designation for the project site is Medium Density Residential, 14.6-29.9 units per acre (89.4 percent of site) and General Commercial (10.6 percent of site). Other than a change in the form of ownership proposed for the 192 residential units located on the site, the residential and commercial uses permitted under those land use designations would remain unchanged. The overall project density is at 17.6 units per acre (or at 18.9 units per acre, excluding the proposed commercial lot (Lot 2)).

Zoning Ordinance: The site is zoned P-63-2, Planned District. The existing multi-family use and neighborhood commercial use is a permitted use in the district. A residential condominium conversion proposed for property located in a Planned District requires Planning Commission approval of a Conditional Use Permit. Several special provisions are set forth in Fremont Municipal Code, Article 21.3 (Special provisions applying to miscellaneous uses), Section 8-22135 (Condominium conversions; residential projects). The applicant is committed to completing certain improvements and repairs required by the Condominium Conversion Ordinance to structures and the site. The improvements which must be completed prior to Final Map approval would further enhance aesthetics and improve health and safety conditions reasonably acceptable to the City prior to sale of the units. Such improvements would not be in conflict with adopted development principles and standards of the Planned District.

Residential condominium conversions are reviewed for compliance requirements for both site and building standards and tenant and buyer protections. A project-specific analysis is included in this report. The Condominium Conversion Ordinance contains several provisions to protect public health, safety, and general welfare. In addition, it contains several other provisions to ensure that physical and visual standards are met, including standards to minimize impacts on current tenants that may be displaced, as well as protection for future buyers. These standards include:

General Plan/Zoning Consistency	Sufficient Exterior Common Area
Affordable Housing Compliance	Electrical System Sufficient
Noise and Vibration Compliance	Building Security Compliance
Utilities/Trash Enclosures Compliance	Building and Fire Standards Compliance
Sufficient Parking and Storage of Vehicles	Warranties
Sufficient Storage Space	Homeowners' Association Establishment
Sufficient Laundry Facilities	Tenants' Notices and Rights
Installation of Smoke Alarms	

Due to their nature, conversions of apartment buildings to condominiums typically present unique circumstances and conditions that can only be addressed by special provisions. FMC Section 8-22135(f) (Requirements) of the Condominium Conversion Ordinance calls for an analysis of the physical and logistical conversion of proposed rental units to privately owned units to protect existing tenant rights and to fully disclose to potential buyers the physical condition of the units. This section of the ordinance includes special requirements beyond the standard application requirements for a Conditional Use Permit, and a Conditional Use Permit cannot be processed unless each requirement can be met, unless a waiver or modification is granted (see "Waiver Request" below). In addition, the proposal must conform to applicable standards and requirements of local and state codes and the Subdivision Map Act. The timing for implementation of improvements or performing requirements is required prior to Final Map approval.

If a request for a waiver or modification to the Condominium Conversion Ordinance is requested, the waiver or modification can be permitted if the Planning Commission, “based upon substantial evidence, finds that such waiver or modification would not be materially detrimental to the proposed residents of the property or to the residents of surrounding properties, or to the public health and safety, and that the modification or waiver helps implement the goals of the Housing Element.” (FMC Section 8-22135(d)(4)).

The text below provides a summary of the requirements and a brief analysis follows to explain how the requirements can be met.

1. *Consistency with the General Plan land use designation and Zoning.*

The project site has a mixed land use designation of Medium Density Residential, 14.6-29.9 units per acre (89.4 percent of site) and General Commercial (10.6 percent of site), and is zoned P-63-2, Residential and Commercial Planned District. As previously discussed, the project is consistent with the General Plan land use designation and Zoning as originally approved.

2. *Affordable housing.*

The applicant proposes to meet the City’s affordable housing requirements offering on-site below market rate (BMR) units affordable to moderate income households. The BMR units would have to be made available in accordance with the requirements of the Affordable Housing Ordinance at the time of Final Map approval.

The current BMR percentage requirement is 15 percent of the total units with payment of the in lieu fee for any leftover fraction of a unit. The basic requirement for on-site units will increase to 20 percent of the total units on January 1, 2015, upon City Council acceptance of an updated nexus study.

3. *Noise and vibration.*

Staff has included a condition of approval that prior to Final Map approval, the applicant must certify that each unit is in compliance with Title 24 of the California Administrative Code to meet regulated interior noise standards in a manner approved by the Building Official. In February 2011, a preliminary noise assessment was conducted by a qualified acoustical consultant, Illingworth & Rodkins, Inc. Noise attenuation improvements to party wall and floor ceiling assemblies are necessary to meet this standard. If the applicant/property owner is unable to meet such standards, a request of a waiver shall be subsequently made, subject to the review and approval of the Planning Commission prior to final map approval

4. *Utilities.*

For condominium conversions, each dwelling unit is required to have a separate gas, electric and water service meter. The existing dwelling units have separate gas and electric meters; however, they do not have a separate water meter. The applicant proposes a common water meter shared by all 192 units that the homeowner’s association would maintain, distribute, and be responsible for the billing. The applicant requests a waiver which is discussed in detail in a later section of this report.

5. *Trash enclosures.*

The applicant proposes to construct new and/or upgrade existing trash enclosures. The enclosures would be screened from public view, located within 250 feet of the buildings, easily accessible by occupants and collection vehicles during pickup times.

6. *Parking and storage of vehicles.*

A total of 288 parking spaces are provided on the site in compliance with the parking standards approved for the Planned District at a ratio of 1.5 spaces per residential unit (i.e., 1.5 spaces per unit multiplied by 192 units = 288 spaces). At the time of the original Planned Development approval, there was not additional required parking for the neighborhood commercial use. The 288 existing on-site spaces serve both the residential and commercial uses.

Each residential condominium unit would have one designated covered parking space. Of the remaining 96 uncovered spaces, 42 parking spaces located within the parking area in front of the three commercial buildings (shown as Buildings B16, B17, and B19 of Exhibit "A") would be owned and maintained by the commercial lot (Lot 2). A shared parking agreement is recommended to preserve the intent of a shared parking program as established by the Planned District. The applicant has agreed to implement a shared parking program which would require the commercial lot (Lot 2) to provide additional guest parking for guests of the residences of Lot 1.

7. *Storage space.*

The applicant would provide 100 cubic feet of storage space for each unit. The spaces would be located within the large patio areas and balcony space. The spaces would be in addition to guest, linen, pantry, and clothes closets customarily provided for each unit. The design of the storage space would be subject to review and approval of the Community Development Department.

8. *Laundry facilities.*

The applicant proposes either an individual laundry facility for each dwelling unit, or a combination of individual and common laundry facilities for the development. The location and number of individual laundry facilities would be subject to review and approval of the Community Development Department.

9. *Smoke alarms.*

The applicant proposes to install smoke alarm in each dwelling unit. All smoke alarms would be interconnected and receive their primary power from a common power source maintained by the homeowner's association, equipped with a battery backup.

10. *Exterior common areas.*

The applicant proposes the following prior to the sale of units:

- a. Repair and restore all vehicular and pedestrian ways, including cracked, uplifted, depressed or otherwise damaged or dilapidated pavement sections.

- b. Repair and restore all landscaping features such as irrigation systems, fencing, benches, play equipment, arbors, trellises, fountains, and similar features including plant materials.
- c. Upgrade all utility services, including water, sanitary sewer, storm drainage, gas, electric, and their appurtenant meter boxes, vaults and screening devices as per the latest building, mechanical, electrical and plumbing codes.
- d. Refurbish all accessory structures, including trash enclosures, storage buildings, and equipment enclosures.
- e. Repair and restore all roofing systems and building exteriors including roofing and siding materials, glazing, and chimneys.
- f. Repair and restore all pools and their appurtenances (including solar water heating systems if so equipped).

11. *Electrical systems.*

The applicant proposes to upgrade all electrical system to include ground fault circuit interrupter (GFCI) protection. All upgrades would comply with the prevailing code requirements.

12. *Building security.*

The applicant proposes upgrades to all exterior doors, common entryways, sliding doors and windows for compliance with the latest building security regulation standards set forth in the Chapter 2 of Title VII of FMC in a manner approved by the Building Official.

13. *Building and fire standards.*

The existing structures do not have an Automatic Fire Extinguishing System (AFES). If the project is approved, the applicant would be required to disclose this information to prospective buyers. The applicant would also be required to meet all requirements of the latest California building and Fire Codes for proposed new improvements, including local amendments specified in the Fremont Municipal Code in a manner approved by the Building Official and Fire Department.

14. *Earthquake-Hazard Reductions.*

Pursuant to the Condominium Conversion Ordinance (FMC Section 8-22135(f)(14)), the site contains buildings with soft, weak or open-front walls, known as “soft story construction.” The applicant has indicated that retrofitting of buildings was completed by a previous property owner. Building Division records indicate that a voluntary structural permit (BLD2005-07618) was applied for under the project address but was subsequently canceled in March 2006 by a previous contractor. A condition of approval is recommended to require submittal of documentation to the Community Development Department and any inspections or building permits necessary to certify that work as complete and acceptable prior to Final Map approval.

15. *Warranties.*

The applicant proposes to provide to each buyer or to the homeowners' association, as applicable, a one-year warranty for all of the following: appliances in each unit or other common area facility, electrical and plumbing, ventilation equipment, and heating and air conditioning systems.

16. *Homeowners' association.*

The applicant proposes to meet all requirements set forth in California Civil Code Section 1363 (Common Interest Development Open Meeting Act) to establish a homeowner's association that would be responsible for maintenance of all common areas within the development. The applicant has indicated its willingness to work with the City Attorney on the covenants, conditions and restrictions (CC&Rs), for compliance with this requirement and to ensure that the conditions as well as the City's enforcement rights are included in the CC&R.

17. *Tenants' notices and rights.*

The applicant is required to provide written information to all tenants about their proposal to convert the existing dwelling units to a condominium form of ownership at least 60 days prior to the filing of a Tentative Tract Map and provide the tenants the right of first refusal to purchase. Additionally, a subsequent notice, among several others, is required 180 days before termination of tenancy due to the conversion or proposed conversion but not before the tentative map is approved. The applicant is also required to offer a five percent purchase price discount to any tenant who has resided in the unit in good standing for a minimum of two years. The applicant would meet these requirements and will refrain from any rent increases as required by the City's Condominium Conversion Ordinance during the 180-day notice period required by state law.

18. *Relocation Assistance.*

The applicant is required to provide relocation information to tenants. The applicant must also provide financial relocation assistance to each tenant who has resided in a unit in good standing for a minimum of one year prior to the date the written notice of intent to convert the dwelling units to condominium form of ownership. In addition, the applicant must provide relocation assistance to senior tenants.

Based on the above analysis, staff finds the project can meet the special provisions required. These special provisions are included as conditions of approval for the project in Exhibit "C."

Waiver of Individual Water Meter Standard: A waiver allowing an exception to the individual water meter requirement for each unit is recommended. Staff finds that the waiving the individual water meter standard applied to the condominium conversion application would not cause an undue hardship or be materially detrimental on future tenants or owners of the development or surrounding area.

Based on the evidence submitted, currently the site is served by one common water meter. The applicant proposes that a future homeowner's association would receive a water bill from the Alameda County Water District (ACWD) and, in turn, would be responsible for the billing of each tenant for water usage, instead of the separate bills from the ACWD if individual meters were provided. The applicant requests this waiver as the cost to install individual water meters as a retrofit for each unit would be expensive, if not impracticable. The development's existing type of water service, distribution and billing from a main water meter maintained by a homeowner's association is common even in newer condominium developments. ACWD has indicated to staff that, while individual water meters are preferred, the existing water service condition is acceptable. ACWD did not raise any concerns with approving the proposed conversion.

While the exact billing details have not been formalized, staff recommends a condition of approval that requires the applicant to submit details on how individual tenants would be billed for water service prior to Final Map approval. Once a water distribution and billing mechanism is approved, it would be included in the development's CC&Rs document.

Condominium Conversion Allocation: For the 2012 annual conversion review, only the applicant's application is under consideration. Staff recommends borrowing up to twenty units from up to five future years to allow the applicant to complete the conversion in a single phase. The first 100 units would be allowed under the current calendar year and the remaining 92 units would also be allowed by borrowing twenty units each from calendar years 2013 through 2016 and additional 12 units from calendar year 2017. Accordingly, the allocation conversion cap for calendar years 2013-2016 would be reduced to 80 units per calendar year and 88 units for calendar year 2017.

Setting/Structures: The site has been adequately maintained and appears well-manicured. There are over 214 trees on-site ranging in size from a five-foot diameter redwood to a six-inch diameter dogwood. Most of the trees are in good health and would be preserved as part of this project. The significant stands of redwoods, magnolias, London plane, birches, Chinese pistache, and sweet gum trees provide a park like experience with ample shade. Additionally, the trees along the perimeter of Camden Street provide a tree-lined experience along the street and a dense landscape buffer on the sides and edges of the project. The interior walkways provide adequate pedestrian connection from individual residences to the open space. Consistent with the Condominium Conversion Ordinance, the applicant proposes improvements that would repair and replace site features including fencing, lighting, walkways, planting and irrigation to provide a renovated environment that would be easier to maintain for years to come.

A detailed property assessment report, including a building structural evaluation, arborist report, and irrigation assessment, was completed as part of the application.

Vesting Tentative Tract Map 8077 Compliance: Under FMC Section 8-1515 (Lot Standards), the proposed Vesting Tentative Tract Map 8042 must meet the following principals and standards:

- (1) The minimum area and dimensions of all lots shall conform to the requirements of the Zoning Ordinance for the district in which the subdivision is located.

Analysis: All lots would conform to the minimum lot area and dimensions of the Planned District established for the existing multi-family housing and neighborhood commercial center.

- (2) The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curvature, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces.

Analysis: The side lines of all the lots, to the extent practicable, are proposed at right angles as shown in Exhibit "B" (Vesting Tentative Tract Map 8077).

- (3) No lot shall have a street frontage less than thirty-five feet, except for nonconventional residential lots, subject to approval by the reviewing agency.

Analysis: No lots would have a street frontage of less than thirty-five feet.

- (4) No lot shall have a width less than forty-five feet at the building setback line, except for non-conventional residential lots, subject to approval by the reviewing agency.

Analysis: The two proposed lots would not have a width less than forty-five feet at the building setback line.

- (5) Corner lots for residential use shall be platted a minimum of ten feet wider than interior lots in order to permit conformance with the required street side yard requirements of the Zoning Ordinance.

Analysis: Not applicable.

- (6) No lot shall have a depth of less than one hundred feet, except for non-conventional residential lots, subject to approval by the reviewing agency.

Analysis: All lot depths would exceed one hundred feet.

- (7) No lot shall be divided by a City boundary line.

Analysis: Not applicable. The project site is located entirely within the City boundary line and all utilities have been annexed to provide services.

- (8) A lot depth in excess of twice the width shall be avoided whenever possible, except for non-conventional residential lots, which shall generally not have a lot depth in excess of three times the width.

Analysis: The proposed lot depth for each proposed lot would not exceed twice the length of its respective lot width.

- (9) No remnants of property shall be left in the subdivision which do not conform to lot requirements, and are not required for a private or public utility purpose.

Analysis: Not applicable.

- (10) No “flag lot” shall have a street frontage less than twenty feet.

Analysis: Not applicable.

Street Right-of-way Dedication and Improvements: The project is located east of Fremont Boulevard and south of Peralta Boulevard along Camden Street. The project has approximately 1,570 feet of frontage along Camden Street. Vehicular access to the project is provided by six existing driveways along Camden Street. The applicant is required to dedicate right-of-way and install street improvements in accordance with the Subdivision Ordinance and Street Rights-of-way and Improvement Ordinance.

The following outlines the street improvement requirements for this project:

- Camden Street is designated in the General Plan as a residential collector. Along the project frontage, Camden Street has an existing right-of-way width of 60 feet, a curb-to-curb pavement width of 40 feet and 10-foot wide planters. The current City standard for a residential collector is 60 feet, which provides curb-to-curb pavement width of 38 feet and 11-foot wide planters. As the existing pavement width along Camden Street is consistent at 40 feet from Peralta Boulevard

intersection to the southern property boundary, staff does not recommend removing the existing curb and gutter in order to reduce the pavement width to 38 feet. However, staff recommends removal of the existing four-foot wide sidewalk and installation new five-foot wide sidewalk to meet current City and accessibility and street parkway standards. Therefore, a condition of approval is included requiring the applicant to dedicate additional street right-of-way of one-foot wide along the Camden Street frontage to accommodate the wider sidewalk. Required street improvements include, but are not limited to: removal of existing sidewalk, installation of new sidewalk, replacing existing nonconforming driveways with accessible City standard driveways, conform paving, installation of street trees, landscaping, irrigation, and utilities.

Easements: There are numerous existing easements traversing the subject property dedicated to public utilities. Some of the easements are located under existing buildings. The applicant has indicated that these easements do not contain existing utilities. Portions of the easements would be abandoned as shown on Vesting Tentative Tract Map 8077. Easement abandonment would occur prior to or concurrently with Final Map approval.

Grading and Drainage: Currently, the existing 10.92-acre parcel is fully developed and operational as an apartment complex and neighborhood commercial center. The parcel generally slopes up away from Camden Street and is approximately two feet higher along the eastern edges than the surrounding abutting street grades. The existing buildings and parking lot would be preserved and retrofitted in sections in order to develop the condominium project.

Minimal grading for the project would consist of re-surfacing selected portions of the site to meet accessibility requirements, repair damaged sections of pavement, curb, gutter and sidewalk, remove and install new trash enclosures to meet code, and repair and add landscape amenities to meet common open space requirements. All the proposed modifications and improvements within the common areas under a proposed homeowner's association would be subject to bonding and City review and approval. The applicant's engineer estimates the total project grading to be less than 125 cubic yards of cut and 125 cubic yards of fill resulting in approximately 250 cubic yards of total grading. Since the total grading (250 cubic yards) is less than 1,000 cubic yards, Planning Commission approval of a Preliminary Grading Plan is not required.

Runoff from on-site paved and roofed areas is collected by area drains and inlets before connecting through an underground pipe network to existing public storm drain facilities along Camden Street. The existing storm drain in Camden Street connects to an existing 48-inch concrete pipe (Line B-3, Zone 5) in Canterbury Street. The 48-inch pipe is owned and maintained by the Alameda County Flood Control and Water Conservation District. The details of the existing on-site storm drainage system, connections to public main and any modifications would be included with the improvement plans for the project. The drainage system is subject to approval of the City Engineer and the Alameda County Flood Control (ACFC) and Alameda County Water District (ACWD).

Urban Runoff Clean Water Program: The Alameda Countywide National Pollution Discharge Elimination System (NPDES) Municipal Stormwater Permit requires all new development to incorporate measures to prevent pollutants from being conveyed in storm water runoff and into the public storm drain system. If applicable, the project would be required to comply with the NPDES permit by incorporating treatment measures into the project design.

FINDINGS FOR CONDITIONAL USE PERMIT:

The Planning Commission must make the findings listed below in their consideration to approve a conversion project (FMC Section 8-22135(h)). The Planning Commission must review the Conditional Use Permit application for a residential condominium conversion and make all of the following findings before approving a project:

- A. The proposed use is consistent with the General Plan.

Analysis: The existing General Plan land use designation for the project site is Medium Density Residential, 14.6-29.9 units per acre (89.4 percent of site) and General Commercial (10.6 percent of site). Other than a change in the form of ownership proposed for the 192 residential units located on the site, the residential and commercial uses permitted under those land use designations would remain unchanged.

- B. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large.

Analysis: The proposed condominium conversion does not involve a change in the present residential land use, nor would there be an increase of housing units. The applicant has demonstrated that the special provisions for a residential condominium conversion can be met. Prior to Final Map approval allowing the resale of individual units in the form of condominiums, improvements required by the Residential Condominium Conversion Ordinance would be completed under the then current building codes and design standards to meet health and safety requirements, so as to protect the general welfare of future condominium owners and their tenants.

- C. The design of the project is compatible with existing development in the district and its surrounding area.

Analysis: The proposed building and site improvements/upgrades would be compatible with established character of the existing neighborhood. No additions, height increases, and enlargements to, or changes to the layout of, the existing on-site structures are proposed. The existing condition of the residential buildings and site configuration would largely remain unaltered but aesthetically enhanced.

- D. The project will comply with the provisions of Article 27 (Site Plan and Architectural Approval) of the Zoning Ordinance.

Analysis: The subsequent building and site improvements and upgrades to improve aesthetics and to meet current health and safety requirements would be subject to Site Plan and Architectural Review approval by the Community Development Department. Conditions of approval are recommended to ensure compliance with the Zoning Ordinance.

- E. The proposed use conforms to applicable standards and requirements of local and state codes, the Subdivision Map Act.

Analysis: Pursuant to the Residential Condominium Conversion Ordinance, the proposed conversion would meet physical and visual standards to ensure the public health, safety and welfare of all future purchasers of dwelling units. In accordance with state law, a homeowners'

association would be established and would be responsible for the funding, maintenance and replacement of all structural and operational components of the condominium project. The applicant would also provide written notices to the tenants of the intention to convert the rental units to ownership condominium units and offers tenants the right of first refusal to purchase, including relocation assistance to families and seniors in accordance with the Residential Condominium Conversion Ordinance and state law. A Vesting Tentative Tract Map was filed concurrently with the Conditional Use Permit application to complete the conversion.

- F. The requirements in Section 8-22135(f) have been met or waivers or modifications have been authorized.

Analysis: As described in the staff report analysis, a waiver allowing an exception to the individual water meter requirement for each unit would not cause an undue hardship or be materially detrimental on future tenants of the development or surrounding area.

Based on the evidence submitted, currently the site is served by one common water meter. This type of water service, distribution and billing from a main water meter maintained by a future homeowner's association is common. A separate main water meter would be installed for the proposed commercial lot with the existing retail strip mall. With that condition, the Alameda County Water District (ACWD) has indicated to staff that the existing water service condition proposed to be retained for the residential development is acceptable and has not raised any other concerns with the proposed conversion. A condition of approval is proposed to require the applicant to submit details of how individual tenants would be billed for water service prior to Final Map approval, including installation of a separate meter for the commercial lot. Provisions are proposed for inclusion in future CC&Rs and establishment of an HOA.

- G. The total number of residential condominium unit conversions for the calendar year is consistent with the limitations set forth in section 8-22135(g).

Analysis: The project would meet the City's annual conversion cap and unit allocation process. For the 2012 annual conversion review, only the subject application is under consideration. The first 100 units of conversion would be allowed under the current calendar year and remaining 92 units of conversion would also be allowed by borrowing twenty units each from calendar years 2013 through 2016 and additional 12 units from calendar year 2017.

FINDINGS FOR VESTING TENTATIVE MAP 8077:

Vesting Tentative Tract Map 8077:

A Tentative Tract Map may be approved if: (1) it conforms to the General Plan; (2) the lots to be created conform to the Zoning Code; and (3) none of the disqualifying factors set forth in FMC 8-1418 exist. The disqualifying factors in Section 8-1418 are:

- (1) The map fails to meet or perform one or more requirements or conditions imposed by the map act or this chapter.

Analysis: The proposed subdivision to create two lots as described in this staff report would meet the requirements and conditions imposed by the Subdivision Map Act (including Government Code section 66474) and Condominium Conversion Ordinance.

- (2) The proposed subdivision, together with the provisions for its design and improvement, is not consistent with applicable general and specific plans.

Analysis: The proposed subdivision to create two lots as described in this staff report would be consistent with the City's General Plan. There are no applicable specific plans related to the site.

- (3) The site is not physically suitable for the type or proposed density of development.

Analysis: The proposed subdivision to create two lots as described in this staff report is physically suitable for the type and density of development that exists on the site. No additional residential units or expansion of building are proposed.

- (4) The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Analysis: The project site and the surrounding area are fully developed. Approval of the subdivision would not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- (5) The design of the subdivision or the type of improvements is likely to cause serious public health problems.

Analysis: In conformance with the Condominium Conversion Ordinance, fire and building safety codes, and Subdivision Map Act, certain improvements would be completed prior to Final Map approval. With implementation of these improvements (e.g., providing for building fire separation or fire-rated walls at property lines) the design of the subdivision would not cause serious public health problems if there is a future redevelopment of the lots proposed within the subdivision.

- (6) The design of the subdivision or the type of improvements would conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the commission may approve a map if it finds that alternate easements, for access or for use, would be provided, and that these would be substantially equivalent to ones previously acquired by the public. This paragraph shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Analysis: The subject property is fully developed. Any easements required for public utilities (gas, water, electricity, sewage), reciprocal joint vehicular and pedestrian access, etc., would be recorded on the Final Map.

SUMMARY OF PROJECT ANALYSIS

Staff finds that the applicant for Camden Village Apartments has fulfilled the initial requirements in implementing the proposed conversion program and is able to meet general and special requirements pertaining to residential condominium form of ownership. The project-specific analysis demonstrates compliance with standards, including procedures which applicants are required to acknowledge, implement and maintain on an ongoing basis.

CITY FEES

This project is not subject to Citywide Development Impact Fees. The applicant does not propose construction of additional units or additions to existing commercial buildings, which would be subject to payment of such fees.

ENVIRONMENTAL REVIEW

The project is categorically exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15301(k) of the CEQA Guidelines, "Division of existing multiple family or single-family residences into common-interest ownership...where no physical changes occur which are not otherwise exempt."

PUBLIC NOTICE AND COMMENT

Public hearing notification is applicable. A total of 466 notices were mailed to owners and occupants of property within 300 feet of the site, including all existing tenants residing within the project site. The notices to owners and occupants were mailed on August 10, 2012. A Public Hearing Notice was published by *The Argus* on August 7, 2012.

ENCLOSURES

Exhibits:

Exhibit "A"	Conditional Use Permit Plans (Site Surveys, Elevations, Typical Floor Plans, Tree Survey, and Open Space Plan)
Exhibit "B"	Vesting Tentative Tract Map 8077
Exhibit "C"	Finding and Conditions for Conditional Use Permit PLN2011-00176
Exhibit "D"	Findings and Conditions for Vesting Tentative Tract Map 8077

Informational Items: (Not enclosed, except as otherwise noted, but available online and at the Community Development Department.)

Informational 1	January 2011 Physical Needs Assessment prepared by f3, Inc.
Informational 2	February 2011 Noise Assessment prepared by Illingworth & Rodkins, Inc.
Informational 3	June 2011 Structural and Seismic Risk Evaluation prepared by R. D. Boyens Engineering.
Informational 4	July 2011 Irrigation System Evaluation prepared by Russell D. Mitchell Associates, Inc.
Informational 5	April 12, 2012 Approved Hearing Minutes (enclosed)
Informational 6	August 2012 Camden Village Condominium Conversion Applicant Presentation (enclosed)

RECOMMENDATIONS

1. Hold public hearing.
2. Find that the project, PLN2011-00176, is exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301(k), Existing Facilities.
3. Find the project, PLN2011-00176, is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use Element as enumerated within the staff report.
4. Find that the proposed subdivision as shown in Exhibit "B" is consistent with the goals, policies and objectives of the City of Fremont's General Plan as set forth in Exhibit "D."
5. Approve Conditional Use Permit PLN2007-00274, as shown on Exhibit "A," based on the findings and subject to the conditions of approval contained in Exhibit "C."
6. Approve Vesting Tentative Tract Map 8077, as shown on Exhibit "B", based on the findings and subject to the conditions of approval contained in Exhibit "D."
7. Approve the waiver allowing an exception to the individual water meter requirement for each unit would not cause an undue hardship or be materially detrimental on future tenants of the development or surrounding area.

Existing Zoning

Shaded Area represents the Project Site

